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SEC. 2. That no owner, manager, foreman, or person in responsible charge of any room used or occupied for the purpose recited in section 1 of this order and regulation shall knowingly permit or suffer any person to chew or smoke any tobacco or expel the juice thereof in any room used or occupied for the purpose of manufacturing, preserving, preparing, packing, or canning any article of food or food product recited in section 1 of this order and regulation.

SEC. 3. Any person described in section 1 or 2 of this order and regulation who shall violate any provision recited in section 1 or 2 of this order and regulation shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$5 nor more than \$20 for the first offense and for each subsequent offense shall be fined not less than \$10 nor more than \$50, or imprisoned in the workhouse not less than 5 days nor more than 20 days, or both.

TOPEKA, KANS.

Milk and Milk Products—Production, Care, and Sale—Milk Inspector—Ice Cream. (Ord. 4361, July 8, 1914.)

SECTION 1. *Inspector, qualification, salary.*—There is hereby created the office of milk inspector of the city of Topeka, Kans. Such milk inspector shall be appointed by the board of commissioners of said city. He must be a competent man and he shall prove his proficiency by passing an examination, both oral and written, which shall be prepared and given under the direction of the State dairy commissioner and the professor of dairy husbandry of the Kansas State Agricultural College, and a physician to be selected by the commissioner of parks and public buildings of the city of Topeka. The milk inspector shall receive a salary of \$1,200 per annum, payable monthly. Before entering upon the discharge of his duties, he shall give a bond in the sum of \$500, conditioned for the faithful performance of his duties.

SEC. 2. *Permit, applicant.*—It shall be unlawful for any person, firm, or corporation to sell, or keep for sale, or offer for sale, any milk, cream, or ice cream, or any other product of milk or cream, within the city of Topeka, without procuring a permit therefor from the milk inspector of said city. Said permit shall expire on the 1st day of January of each year, but shall be subject to revocation as herein provided, and shall be granted upon the following conditions, to wit:

First. That, upon an inspection by the milk inspector of the cows and dairy or dairies from which applicant obtains his milk and cream supply, said milk inspector shall find that such cows are free from disease and such dairy or dairies are maintained in a clean and sanitary condition.

Second. That the applicant shall make written application to the milk inspector for said permit, setting out the following:

A. The name and residence of applicant, or, if a firm, the name and residence of each of the members of said firm, or, if a corporation, the name and residence of the president and secretary of said corporation.

B. The location of the business place or places of the applicant, giving the street and number of the same, and the number, name, and residence of the person in charge of each place of business if applicant maintains a place of business.

C. The number of cows owned or controlled by the applicant, and the location of applicant's dairy, if applicant has a dairy.

D. The name of the owner or owners of, and the location of, the dairy or dairies of all persons from whom applicant obtains milk or cream supplies, and the number of cows owned or controlled by each, if applicant does not furnish milk or cream from his own dairy.

E. An agreement by applicant that the milk inspector may at any time inspect applicant's dairy herd or herds, dairy or dairies, and the dairy herd or herds and dairy or dairies of all persons from whom applicant obtains milk or cream, wherever located;

and if upon such inspection any dairy be found to be in an insanitary condition, or the method of handling the milk or cream be insanitary, or any dairy herd be found to be diseased, upon written notification thereof to the said applicant, said applicant hereby agrees to discontinue immediately his supply of milk or cream from such dairy or dairy herd, and if such supply of milk or cream be not so discontinued said applicant agrees that his permit may be suspended or revoked by said milk inspector; and that all cows from which applicant obtains his supply of milk or cream shall, at least once a year, be tested for tuberculosis and a certificate showing the result of such test furnished to said milk inspector from a recognized veterinarian, who has a commission from the State live-stock sanitary commissioner; and that applicant will furnish to the milk inspector, at the milk inspector's request, a sample of milk or cream, or their products, offered for sale by applicant sufficient to enable the milk inspector to make the necessary tests that he may desire to make; and that applicant will comply with all the provisions and requirements of this ordinance; and that upon applicant's failure to comply with any of the provisions of such agreement, his said permit may be suspended or revoked by the milk inspector.

SEC. 3. *Permit issued.*—If the foregoing conditions are found to be complied with, the milk inspector shall register such applicant and grant him such permit to do business until the 1st day of January following the date of issue of same, subject to revocation as is herein provided.

SEC. 4. *Permit to be posted.*—Said permit shall be posted in a conspicuous place in applicant's place of business; and it shall be unlawful for any person, firm, or corporation, procuring from the milk inspector of said city a permit to sell, keep for sale, or offer for sale, milk, cream, or ice cream, or other products of milk or cream in said city to fail, neglect, or refuse to post said permit in a conspicuous place in said place of business of said person, firm, or corporation.

SEC. 5. *Name of vendor.*—Each vendor of milk, cream, or ice cream, shall, before engaging in the sale of milk, cream, or ice cream, cause his name and place of business to be placed, and to remain, in letters not less than 3½ inches in height on each outer side of all wagons or other vehicles used by such vendor in the conveyance or sale of milk, cream, or ice cream.

SEC. 6. *Unwholesome milk defined.*—Milk produced from cows kept in an insanitary, poorly lighted, or poorly ventilated stable, or produced by cows not kept clean, or any milk obtained from cows that are fed on city slop or refuse matter from any starch factory, decomposed feed, stable manure, bedding, or any article of food which is fermenting or fermented, other than clean, well-cured silage; or milk stored in an insanitary place or milk kept or delivered in vessels not properly cleaned, or vessels which are rusted or in wooden vessels, or milk in which a sediment collects on standing shall be deemed to be unwholesome milk. It shall be unlawful for any person to sell or offer for sale, or exchange milk known as "unwholesome milk." The milk inspector shall have authority to condemn unwholesome milk for food purposes.

SEC. 7. *Skimmed milk.*—It shall be unlawful for any person, firm, or corporation to sell, offer for sale, or have in possession with intent to exchange or sell any milk from which any cream has been removed, or from which any strippings have been kept back or removed, unless the utensils from which said milk is stored and sold are marked in clear letters showing the per cent of fat which such milk contains, or be marked "skimmed milk."

SEC. 8. *Milk defined.*—Milk is the fresh, clean, lacteal secretion obtained by the complete milking of one or more healthy cows, properly fed and kept, excluding that obtained within 15 days before and 5 days after calving, and contains not less than 8.5 per cent of solids not fat, and not less than 3.25 per cent of milk fat, and contains no preservative, added water, or other foreign substance.

SEC. 9. *Modified milk defined.*—Modified milk is milk modified in its composition so as to have a definite and stated percentage or one or more of its constituents.

SEC. 10. *Skimmed milk defined.*—Skimmed milk is milk from which a part or all of the cream has been removed, and contains not less than 9.25 per cent of milk solids.

SEC. 11. *Pasteurized milk defined.*—Pasteurized milk is milk that has been maintained at a temperature of 149° F. for 20 minutes, or 158° F. for 10 minutes, and immediately cooled to 50° F. or lower.

SEC. 12. *Sterilized milk defined.*—Sterilized milk is milk that has been heated at the temperature of boiling water or higher for a length of time sufficient to kill all organisms present.

SEC. 13. *Condensed milk, evaporated milk, defined.*—Condensed milk, evaporated milk, is milk from which a considerable portion of water has been evaporated.

1. It is prepared by evaporating the fresh, pure, whole milk of healthy cows, obtained by complete milking and excluding all milkings within 15 days before calving and 7 days after calving, provided at the end of this 7-day period the animals are in perfectly normal condition.

2. It contains such percentages of total solids and of fat that the sum of the two shall be not less than 34.3 per cent and the percentage of fat shall be not less than 7.8 per cent.

3. It contains no added butter or butter oil incorporated either with whole milk or skimmed milk or with the evaporated milk at any stage of manufacture.

SEC. 14. *Sweetened condensed milk defined.*—Sweetened condensed milk is milk from which a considerable portion of water has been evaporated and to which sugar (sucrose) has been added.

1. It is prepared by evaporating the fresh, pure, whole milk of healthy cows, obtained by complete milking and excluding all milkings within 15 days before calving and 7 days after calving, providing at the end of this 7-day period the animals are in perfectly normal condition.

2. It contains such percentage of total milk solids and of fat that the sum of the two shall be not less than 34.3 per cent and the percentage of fat shall be not less than 7.8 per cent.

3. It contains no added butter or butter oil incorporated either with whole milk or skimmed milk or with the evaporated milk at any stage of manufacture.

SEC. 15. *Condensed skimmed milk defined.*—Condensed skimmed milk is skimmed milk from which a considerable portion of water has been evaporated.

SEC. 16. *Buttermilk defined.*—Buttermilk is the product that remains when butter is removed from milk or cream in the process of churning.

SEC. 17. *Homogenized milk and cream defined.*—Homogenized milk or cream is pure, clean milk or cream to which has been added condensed milk or other material to thicken same.

SEC. 18. *Cream defined.*—Cream is that portion of milk rich in milk fat which rises to the surface of milk on standing, or is separated from it by centrifugal force; is fresh and clean, contains not less than 18 per cent of milk fat, and contains no preservative or other foreign substance.

SEC. 19. *Evaporated cream, clotted cream defined.*—Evaporated cream, clotted cream, is cream from which a considerable portion of water has been evaporated.

SEC. 20. *Imitation milk.*—All milk or cream except raw milk or cream, pasteurized milk or cream, and sterilized milk or cream, shall be labeled "imitation milk or cream," respectively. It shall be unlawful for any person, firm, or corporation to sell, or offer for sale, within the city of Topeka any milk or cream, except raw milk or cream, pasteurized milk or cream, or sterilized milk or cream, unless such milk or cream shall be labeled imitation milk or cream, respectively.

The presence of machinery or ingredients, used in manufacturing imitation milk or cream, on the premises where such imitation milk or cream is found, shall be prima facie evidence that such imitation milk or cream is being produced by such machinery or ingredients.

SEC. 21. *Bacteria*.—It shall be unlawful for any person, firm, or corporation to sell or offer for sale any milk or cream within the city of Topeka containing over 300,000 bacteria to the cubic centimeter. The milk inspector's bacterial count shall be final.

SEC. 22. *Infection; contamination; temperature*.—It shall be unlawful for any person, firm, or corporation to sell or offer for sale any milk, cream, or ice cream which has been milked or handled by any person suffering from or exposed to any contagious or infectious disease, or milk, cream, or ice cream handled in utensils washed in water from creeks, springs, or other places liable to contamination from surface draining, or milk having a temperature of more than 50 degrees one hour or longer after it is drawn.

SEC. 23. *Where handled*.—It shall be unlawful for any person, firm, or corporation to sell, offer for sale, or have in possession with intent to sell, any milk or cream bottled in any barn, living room, wagon, general store, or in any other room used for any purpose other than the handling of milk and its products.

SEC. 24. *Closed containers*.—It shall be unlawful for general stores to sell, offer for sale, or have in their possession with intent to sell, milk or cream in any but closed containers, and such containers must not be opened within such stores, or for any retailers of milk or other person, firm, or corporation to have for sale milk or cream on any street in any but closed containers, and such containers must not be opened for the delivery of milk or cream or for any purpose other than procuring samples by the milk inspector.

SEC. 25. *Physician, duties*.—Any physician finding a case of typhoid fever, diphtheria, or scarlet fever within the city shall ascertain the name of the dairyman furnishing milk to the family in which the disease occurs and report at once to the milk inspector the location of the disease and the name of the dairyman furnishing milk to the family. But nothing in this section shall be construed to apply to regularly conducted hospitals. Any veterinarian finding any communicable disease in any cows furnishing milk sold or used in the city of Topeka shall ascertain the name of the dairyman owning or keeping such cows and report the same to the milk inspector.

SEC. 26. *Infectious diseases*.—Whenever typhoid fever, scarlet fever, diphtheria, or other malignant, infectious disease exists among people living in a family where milk or cream or any product of milk or cream is produced or handled for sale in the city of Topeka, the sale of such milk or cream or product of milk or cream shall immediately cease, and shall not be resumed until an approved physician's certificate is furnished to the milk inspector, showing that all danger of infection from such disease is over.

It shall be unlawful for any person, firm, or corporation to sell, or offer to sell, any milk or cream, or any product of milk or cream, in the city of Topeka, that has been produced or handled by any person who has typhoid fever, scarlet fever, diphtheria, or other malignant, infectious disease, or that has been produced or handled by any person who has recently been exposed to any such disease, until an approved physician's certificate shall have been furnished to the milk inspector showing that all danger of infection from such disease is over.

SEC. 27. *Sanitary places and utensils*.—Every person, firm, or corporation handling milk or cream or ice cream for sale in the city of Topeka, shall keep such milk or cream or ice cream in a clean, well ventilated and sanitary place, and it shall be the duty of said person, firm, or corporation to cause all cans, bottles, and other receptacles used in the handling of milk or cream or ice cream to be thoroughly washed and then sterilized with boiling water or live steam each time they are used, as soon as they are empty. Cans used for delivery of milk or cream to depots shall be treated as above at the depot and be returned empty to the shipper. It shall be unlawful for any person or persons handling milk or cream to use any of the milk or cream utensils for storing or transporting any substance other than milk or cream.

SEC. 28. *Ice cream—Regulation.*—It shall be unlawful for any person, firm, or corporation to sell, offer for sale, or have in possession with intent to sell, ice cream that has been placed in cans not properly cleaned or in rusted cans, or ice cream made from unwholesome cream, or ice cream containing less than 14 per cent of butter fat: *Provided*, That fruit ice cream may contain as low as 12 per cent butter fat.

SEC. 29. *Frozen custard.*—Frozen custard, or any other frozen product of milk other than ice cream shall bear a label stating the percentage of butter fat which said frozen product of milk contains. Such label shall be placed on the outside of the packer containing said frozen product of milk.

Keepers of hotels, restaurants, drug stores, ice-cream parlors, and other places of business where frozen custard or other frozen product of milk other than ice cream is sold shall keep posted in a conspicuous place in their place of business a sign stating that they sell such frozen product of milk and the percentage of butter fat which it contains.

It shall be unlawful for any person, firm, or corporation selling or keeping for sale frozen custard or any other frozen product of milk other than ice cream in the city of Topeka to fail, neglect, or refuse to place a label on the outside of the packer containing such frozen product of milk stating the percentage of butter fat which such frozen product of milk contains, or to fail, neglect, or refuse to post in a conspicuous place in their place of business a sign stating that they sell a frozen product of milk and the percentage of butter fat that such frozen product of milk contains.

SEC. 30. *Unhealthy cows.*—It shall be unlawful for any person, firm, or corporation to sell, offer for sale, trade, or exchange milk or cream produced by unhealthy cows or by cows milked or handled in the same stable, corral, or place of milking where such diseased cows are kept. The health of the cow shall be determined by the milk inspector, whose decision shall be final unless reversed by the State veterinarian.

SEC. 31. *Tuberculin test.*—It shall be unlawful for an person, firm, or corporation to sell or offer for sale any milk or cream within the city of Topeka, unless the cows producing such milk or cream shall have passed the tuberculin test administered under the direction of the State live-stock sanitary commissioner, and shall be subsequently tested under the same authority as frequently as may in the judgment of the milk inspector be necessary. The milk inspector shall have the authority to administer, whenever he deems it advisable, any approved test for tuberculosis to any cow producing milk or cream for sale within the city of Topeka, and his findings shall be final unless reversed by the State live-stock sanitary commissioner.

SEC. 32. *Notice to milk inspector of tuberculin test.*—Every person making a tuberculin test of any cow or cows producing milk sold or used within the city of Topeka shall notify the milk inspector of said city at least 48 hours before making such test, stating to said milk inspector the day when and the place where such test is to be made and the name of the party who is to make such test.

It shall be unlawful for any person to make any tuberculin test on any cow or cows producing milk sold or used within the city of Topeka without first notifying the milk inspector of said city at least 48 hours prior to making such test, of the day when and the place where such test is to be made, and of the name of the party who is to make such test.

SEC. 33. *Labels on cows standing tuberculin test.*—Every cow that has successfully stood the tuberculin test must have a label stating such fact fastened to her right ear; and it shall be unlawful for any person to remove from the ear of any cow any label showing that such cow has successfully stood the tuberculin test.

SEC. 34. *Preservatives.*—Any milk, or the products made therefrom, found to contain any form of preservatives shall be condemned for food by the milk inspector and any person, firm, or corporation offering for sale or selling any such milk or milk products, or trade or exchanging the same, in the city of Topeka shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as hereinafter provided.

SEC. 35. *Inspector to visit; score cards.*—It shall be the duty of the said inspector to visit, or cause to be visited as frequently as he deems necessary, all dairies and inspect and score the same according to the score card authorized and used by the Bureau of Animal Industry of the United States Department of Agriculture, and he shall have the authority to revoke the permit of anyone maintaining an unsatisfactory dairy, and of anyone selling milk from such dairy. A copy of the score card shall be left with the owner, and such information given as will assist the producer to improve the sanitary conditions or remedy such defects as the score card indicates. A copy of the score card shall be filed in the inspector's office. The said inspector shall make reports to the city clerk annually or oftener, as the commissioner of parks and public buildings may direct.

SEC. 36. *Inspector; authority.*—The milk inspector shall have authority to enter without previous notice any dairy, milk depot, ice-cream or milk salesroom, or any place where milk or cream or their products are kept, sold, or prepared for sale, and take such amount of milk or cream or their products as will prove a sufficient sample to perform the necessary tests that may be desired by the said inspector; and it shall be unlawful for the owner, keeper, agent, or employee of any dairy, milk depot, ice cream or milk salesroom or any place where milk or cream or their products are kept, sold, or prepared for sale, to fail, refuse, or neglect, at the request of the milk inspector, to furnish such amount of milk or cream or their products to the milk inspector as will be sufficient to enable the milk inspector to perform the necessary tests that may be desired by him.

Where the said inspector finds any milk indicating the presence of water or the removal of fat, it shall be his duty, whenever practicable, to visit the herd where such milk is produced and see the herd milked and the milk mixed, after which he shall take a sample of milk and seal the same with the seal of his office and keep the sample locked in a cool place until he has secured a sample of the next regular milking. The sample must be in proportion to the milk given at each milking. The per cent of solids not fat, and the fat of these collected samples, shall be considered the standard of the said herd, provided these samples are collected within four days from the time the suspected sample was collected and tested.

SEC. 37. *Instruments for testing.*—The city shall provide the milk inspector with proper instruments for testing the purity of milk, and he shall have authority to stop any milk wagon, ice cream wagon, or person carrying milk, or cream, or their products for sale, or selling or offering milk or cream, or their products for sale, in the city of Topeka, at any time or place and either test such milk or cream or their products or procure a sample of the same: *Provided*, The milk inspector shall not detain any wagon or person engaged in carrying milk or cream or their products for a longer period than is necessary to test the same and may confiscate such milk, or cream, or their products, if found unwholesome as specified in this ordinance, and shall cause the arrest and prosecution of any person found selling, exposing or offering for sale, any milk or cream or their products in violation of this ordinance; and it shall be unlawful for any person driving any milk wagon, or ice cream wagon, or carrying milk or cream or their products for sale, or selling or offering any milk or cream or their products in the city of Topeka, to fail, refuse or neglect to permit the milk inspector to test such milk or cream or their products or to fail, refuse or neglect to furnish the milk inspector, at the request of such milk inspector, a sample of such milk or cream, or their products.

SEC. 38. *Unclean milk bottles.*—Any milk dealer shall have the right to refuse to receive unclean milk bottles from any patron.

SEC. 39. *Summary of ordinance to be posted.*—It shall be the duty of every person, firm or corporation, selling or offering for sale, any milk or cream or ice cream in the city of Topeka, to post a summary of this ordinance in a conspicuous position in every place where such milk, cream or ice cream is kept and on every wagon used in deliv-

ering such milk, cream, or ice cream. Such summary shall be furnished by the milk inspector. And it shall be unlawful for any person, firm or corporation, selling or offering for sale, any milk or cream or ice cream in the city of Topeka, to fail, refuse or neglect to post a summary of this ordinance in a conspicuous position in every place where such milk, cream or ice cream is kept, or on every wagon used in delivering such milk, cream or ice cream.

SEC. 40. *Covered wagons.*—It shall be unlawful for any person, firm or corporation, retailing milk or cream in a wagon in the city of Topeka, to use any other than a covered wagon for such purpose.

SEC. 41. *Milk served in restaurants and hotels.*—It shall be unlawful for any owner or keeper, or any agent or employee of any such owner or keeper, of any restaurant or hotel in the city of Topeka to serve any milk to the patrons thereof except from bottles.

SEC. 42. *Labels on bottles.*—All bottles containing milk or cream from cows not tested for tuberculosis shall be labeled: "This milk (or cream) is not from tuberculin-tested cows;" and it shall be unlawful for any person, firm, or corporation to sell or offer for sale in any bottle any milk or cream from cows that have not been tested for tuberculosis, unless such bottle bears the label: "This milk (or cream) is not from tuberculin-tested cows."

SEC. 43. *Milk except whole milk.*—It shall be unlawful for any person, firm or corporation to sell or offer for sale any milk or cream, except whole milk or cream, in the city of Topeka unless such milk or cream is sold within 48 hours after the same is treated or prepared.

It shall be unlawful for any person, firm, or corporation to sell or offer for sale any milk or cream, except whole raw milk or cream, in the city of Topeka unless the date of the treating or preparing of such milk or cream is stamped upon the stopper or cap of the bottle containing such milk or cream.

It shall be unlawful for any person, firm, or corporation selling or offering for sale milk or cream within the city of Topeka, to change any stopper or cap from one milk bottle to another, or to use any stopper or cap on any milk bottle with another's name thereon, or to use any milk bottle with another's name therein.

SEC. 44. *Penalty.*—It shall be unlawful for any person, firm, or corporation, or any officer, agent, servant, or employee of such person, firm, or corporation, to violate any of the provisions of this ordinance; and any person, firm, or corporation, or any officer, agent, servant, or employee of such person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$5 nor more than \$100 for each offense; and the permit of such person, firm, or corporation shall thereby be forfeited.

SEC. 45. *Saving clause.*—No prosecution now pending and no offenses heretofore committed under ordinances heretofore enacted shall be affected in any way by the provisions of this ordinance; but all such prosecutions shall be conducted to final judgment and all such offenses shall be prosecuted in the same manner as if this ordinance had not been enacted.

TRENTON, N. J.

Rabies—Dogs—Muzzling of. (Ord. Dec. 31, 1914.)

1. That it shall not be lawful for the owner of any dog, male or female, to suffer the same to run at large within the corporate limits of the city of Trenton at any time, unless such dog shall have and wear a substantial wire muzzle of a mesh not exceeding 2½ inches in circumference securely fastened about the nose and covering the whole mouth: *Provided, however,* That any dog shall be permitted upon the streets or other public places within the corporate limits of said city if it is properly leashed so as